



AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

MATEO-Francisco, Augusto,)
SACARIAS-Lopez, Bartolo)

Case No. 8:23-MJ-595 (GLF)

Defendants.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of October 17, 2023, in the county of Clinton in the Northern District of New York, the defendants violated:

Code Section

8 U.S.C. § 1324 (a)(1)(A)(ii) & (v)(I)

Offense Description

Conspiracy to commit alien smuggling by, knowing and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, the defendants did conspire to transport, move, and attempt to transport and move, three aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Jeffrey L. Havicon, Border Patrol Agent

Printed name and title

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

Oct. 19, 2023

Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

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On October 17, 2023, at approximately 10:00 a.m., a Swanton Sector Intel Unit (SIU) advised Champlain, NY Border Patrol Agents of a red Chevrolet Suburban bearing Ohio plate number KBN 9542) (the "vehicle") they suspected was in the area to conduct illicit activities. There has been a recent trend in alien smuggling organizations (ASO) from Ohio conducting their illicit activities in the Champlain, NY area. This ASO typically utilizes low valued vehicles in order to minimize the incurred loss if it was seized. SIU followed this vehicle to the Anchorage Motor Inn in Rouses Point, NY. This motel is a known pick-up location for people who have illegally entered from Canada into the United States. SIU watched the vehicle pull into the Anchorage Motor Inn. SIU also observed three people with back packs waiting in the parking lot. SIU watched these three people get inside the vehicle and drove back the same way on US Highway 11.

Champlain Border Patrol Agents ("BPAs") responded and located this vehicle. The agents stopped this vehicle in order to conduct an immigration inspection of the occupants. The agents approached the vehicle, identified themselves as United States BPAs, and questioned the occupants as to their citizenship. The driver (MATEO-Francisco, Augusto) claimed to be a Lawful Permanent Resident of the United States and national of Guatemala. As the agents interviewed MATEO, they noticed the other occupants were sitting very rigid, not moving, and staring straight forward. The front seat passenger (Later identified as SACARIAS-Lopez, Bartolo) claimed to be a citizen of Guatemala. The back seat passengers (Later identified as RGF (Minor Child) and DIEGO-Pascual, Efrain) both claimed to be citizens of Guatemala. The three passengers sitting on the third row (One later identified as PEREZ-Vazquez, Braulio, SVP, and MGH) all claimed to be citizens of Mexico. None of the passengers had any documents to be within the United States legally. MATEO and the six other passengers were placed under arrest and transported to the Champlain Border Patrol Station for further investigation and processing.

At the station, MATEO was issued his *Miranda* warning and agreed to speak with law enforcement. MATEO claims his nephew (SACARIAS) was taking a trip and he decided to accompany him. MATEO stated SACARIAS, RGF, and DIEGO picked him up and they left Dunkirk, NY at approximately 10:00 p.m. last night (October 16, 2023). According to MATEO, he slept while SACARIAS drove. MATEO stated he only drove for approximately two hours. MATEO claims he used SACARIAS' cellphone to help navigate him to their destination. MATEO stated they picked up three people from the motel. MATEO claims they were heading back to Dunkirk, NY. According to MATEO, he was not going to be paid for picking up these people.

At the station, SACARIAS was issued his *Miranda* warning and agreed to speak with law enforcement. SACARIAS claims that MATEO made arrangements to pick-up these people before they left Dunkirk, NY. SACARIAS claims MATEO made arrangements with their family members. According to SACARIAS, MATEO had the family members contact him. According to SACARIAS, he said MATEO did not know how to use his cellphone and wanted him to use his cellphone. SACARIAS claims the family members provide him with the location of where to pick them up. SACARIAS stated he had a feeling they were doing something illegal. SACARIAS claims when they picked up the three people from the motel, he suspected they had crossed into the United States illegally. SACARIAS claims he did not get paid. SACARIAS stated he assumed MATEO was going to get paid.

At the station, PEREZ was issued his *Miranda* warning and agreed to speak with law enforcement. PEREZ claims he flew from Mexico to Canada approximately three months ago. PEREZ stated he was looking for refugee status. PEREZ claims he tried to look for work, but since he cannot speak French, he could not find work. According to PEREZ, he decided to come to the United States two days ago. PEREZ claims his son made arrangements with a person in Mexico. PEREZ believes his son was going to pay this person \$700.00. PEREZ claims he met the two other people from Mexico in Montreal. PEREZ stated he searched the internet to find the easiest place to cross. PEREZ claims him and the other two people from Mexico travelled to the border

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and crossed illegally into the United States. PEREZ claims they walked to the motel and stayed overnight. PEREZ claims he shared his location with the smuggler in Mexico, who in turn would provide it to the person who would pick them up.